

Application No.: 10/737,344

Attorney Docket No.: 10253-00292-US/RD8025 USDIV

REMARKS

The outstanding Office Action and applied art have been carefully considered. Claims 1, 2, 10 and 11 are pending in the application. Claims 3-9 have been previously withdrawn from consideration. Claim 1 has been amended by way of the present amendment.

In the outstanding Office Action, claims 1, 2, 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Huffman (U.S. Patent No. 4,043,749) and/or Kelley (U.S. Patent No. 5,131,918) in view of Elgahary et al. (U.S. Patent No. 5,681,620).

Claim 1 has been amended to clarify the invention. In particular, claim 1 has been amended to recite:

~~drying using infra-red energy to dry the article~~ in a drying zone having a temperature in the range from seventy-five degrees Celsius to ninety-five degrees Celsius (75-95 °C) for a time sufficient to allow the stainblocker composition to react with the nylon yarn in the textile surface.

Support for the amendment is provided at least at page 14, line 26 to page 15, line 28; and shown at least in FIG 3, reference 28' of the specification. Therefore, Applicants respectfully submit the amendment raises no question of new matter.

35 U.S.C §103 Rejections

Claims 1, 2, 10 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Huffman and/or Kelly in view of Elgahary et al. Applicants respectfully traverse the rejection.

Huffman teaches a process for dyeing nylon carpet using a cationic dye and an acid dye.¹ Kelly discloses the process for making multicolored carpet by dyeing the acid dyeable fibers a desired color while leaving the cationic portion undyed.² In addition, as indicated in the outstanding Office Action, Huffman and Kelly each disclose dyeing the polyamide fibers or carpets "with both acid dyes and cationic dyes."³

¹ Huffman at column 2, lines 45 – 49.

² Kelley at column 2, lines 36 - 39.

³ Office Action mailed August 10, 2004, page 2, paragraph 3, and lines 7-9.

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However, neither Huffman and/or Kelly implicitly or explicitly disclose, as recited in claim 1:

passing the textile surface of the article through a bath containing a *stainblocker composition and a surfactant* (emphasis added).

That is, neither Huffman and/or Kelly disclose a dyed substrate with a "stainblocker," as recited in claim 1 of invention. The outstanding Office Action acknowledges the "stainblocker" deficiency of Huffman and/or Kelly and attempts to overcome the deficiency with Elgarhy et al. However, Elgarhy et al. cannot overcome all of the deficiencies of Huffman and/or Kelly as discussed below.

Elgarhy et al. discloses a method of making a partially phosphated and partially sulfonated resol resin.⁴ In particular, Elgarhy et al discloses using a "treating solution" for nylon 66 samples with 2.0% resol "at a pH of 2.5 and at 75°C for a period of 20 minutes."⁵ In addition, Elgarhy et al discloses that after the nylon sample is treated the sample is dried at 120°C for 20 minutes.⁶

Further, Elgarhy et al. discloses the process for imparting stain resistance, light fastness and wash fastness to a fibrous substrate.⁷ The chemical composition includes a water soluble sulfonated aromatic-aldehyde condensation product, and hydrofluorosilicic acid or a water soluble salt.⁸ Moreover, Elgarhy et al. discloses the stain resist was padded onto the carpet and then the carpet was steamed for 3 minutes at 210°F (i.e., 99°C) without any pressure.⁹

However, Elgarhy et al. nowhere discloses, as recited in amended claim 1:

using infra-red energy to dry the article in a drying zone having a temperature in the range from seventy-five degrees Celsius to ninety-five degrees Celsius (75-95 °C) for a time sufficient to allow the stainblocker composition to react with the nylon yarn in the textile surface (emphasis added).

⁴ Elgarhy et al at column 2, lines 45 - 48

⁵ *Id.* at column 8, lines 59 - 62.

⁶ *Id.* at column 12, lines 17-25.

⁷ Elgarhy at Abstract.

⁸ *Id.* at column 2, lines 55 - 60.

⁹ *Id.* at column 8, lines 4-9.

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That is, the claimed invention explicitly recites both a method for drying the fibers (i.e., "using infra-red energy to dry the article," as recited in claim 1) and a temperature range for drying the fibers (i.e., "75-95 °C," as recited in claim 1) that are patentably distinct from the method disclosed by Elgarhy et al. Thus, Elgahary et al. cannot make up for the deficiencies of Huffman and/or Kelly.

Therefore, it is respectfully submitted that neither Hoffman, Kelly, or Elgarhy et al., whether taken alone or in combination, disclose, suggest or make obvious the limitations of claimed invention and that claim 1, and claims dependent thereon, patentably distinguish thereover.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185, under Order No. 10253-00259-US from which the undersigned is authorized to draw..

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Respectfully submitted,

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